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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,880	03/27/2000	Charles F. Neugebauer	00-S-023	3367

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/536,880

Applicant(s)

NEUGEBAUER, CHARLES F.

Examiner

Jeffery A. Brier

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 2 and 4.Claim(s) objected to: 3, 5-10, 12-16, 18-22, 24 and 25.Claim(s) rejected: 11, 17 and 23.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Jeffery A. Brier
Primary Examiner
Art Unit: 2672

Response to Amendment

1. The amendment filed 08/18/03 under 37 CFR 1.116 in reply to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claim(s): 2 and 4

Rejected claim(s): 3, 5-10, 12-16, 18-22, 24 and 25

Claim(s) objected to: 11, 17 and 23

Response to Arguments

2. Applicants arguments filed on 08/18/03 have been fully considered but they are not deemed to be persuasive in overcoming the 102 and 103 rejections based upon the Lin reference.

Applicants specification at page 8 lines 6-9 describes smoothing graphics with a gaussian convolution kernel and sharpening text with a cubic convolution kernel. The rejected claims claim wherein the available convolution kernels include at least one smoothing kernel and at least one sharpening kernel. Thus, the rejected claims broadly claim the sharpening kernel.

The Lin reference teaches filtering text differently than the background image. At column 3 lines 1-5 Lin describes using a gaussian filter to filter the background and using a gaussian plus a sigmoid filter to filter the text. At lines 5-11 the text filtering is described as making the text pixels more visible when they are merged with the background, thus the text is being made sharper. At column 6 lines 21-22, 37 and 59

the kernel for the text is described as being different than the kernel used for the background. It is clear from reviewing the kernels used for the background and the text that the kernel used for the text will sharpen text since the center pixel is emphasized more than the edge pixels and the kernel used for the background will smooth the background since the center pixel is emphasized less than the edge pixel. In addition the filtered text is applied to a sigmoid filter to further sharpen the text. Therefore, Lin teaches the broadly claimed wherein the available convolution kernels include at least one smoothing kernel and at least one sharpening kernel.

Applicants position is the Lin reference does not teach a sharpening filter but rather teaches two smoothing kernels having differing degrees of smoothness, applicants arguments at page 12.

The rejected claims broadly claim the sharpening kernel, thus, any kernel that sharpens relative to a kernel that smooths is a sharpening kernel even though it does not perfectly sharpen.

Lin is concerned with sharpening text relative to the background during separate filtering of the text and background, thus, the kernel applied to the text which does sharpen the text relative to the kernel applied to the background is a kernel that sharpens, thus, the kernel applied to the text is a sharpening kernel.

Therefore, applicants arguments are not persuasive in overcoming the rejections based upon the Lin reference.

Art Unit: 2672

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Jeffery A Brier
Primary Examiner
Art Unit 2672